

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

UNITED STATES OF AMERICA

RESPONDENT

v.

CRIMINAL NO. 5:01cr26Br

JOHN L. WILLIAMS, JR.

PETITIONER

ORDER TO REQUIRE ELECTION OF REMEDY

The Court has reviewed the defendant's *The Defendant's Complaint of Unconstitutional Denial of Due Process to Court and Fundamental Rights First, Fifth, Sixth, Eighth, Ninth, Eleventh, and Fourteenth, Which Amounted to Miscarriage of Justice, Justice Sandbagged Knowingly in the Entirety Case Matter by the Government Coupled with Government's Bargaining Power Existence*, [DE #59]. Although the defendant has not designated his motion as one filed pursuant to 28 U.S.C. § 2255, the relief the defendant seeks may only be granted pursuant to that provision of law. In light of the fact that defendants are ordinarily limited to one 28 U.S.C. § 2255 motion, the defendant should be permitted the option of specifically electing to proceed in the Court by way of 28 U.S.C. § 2255. Accordingly,

IT IS HEREBY ORDERED that the defendant notify the Court within thirty days from entry of this order of his intent to proceed by way of 28 U.S.C. § 2255.

Failure to notify the Court in a timely manner may result in the dismissal of his Motion. This Order is not a determination that the instant Motion was timely filed as of the date it was mailed or filed or that the defendant has not otherwise waived his remedy at law. Those and other issues remain to be determined should the defendant elect to proceed with this Motion as a 28 U.S.C. § 2255 motion.

SO ORDERED, this the 11<sup>th</sup> day of January, 2006.

S/DAVID BRAMLETTE  
UNITED STATES DISTRICT JUDGE